

**UNITED STATES DISTRICT COURT,  
DISTRICT OF HAWAII**

LUCAS BRUNO, et al.,

Plaintiff,

v.

MICHAEL CHERNOFF, as Secretary of  
Homeland Security, et al.,

Defendants.

CIVIL NO. 03-00567-JMS(BMK)

AFFIDAVIT OF ATTORNEY MOISES  
A. AVILES IN SUPPORT OF MOTION  
TO APPEAR PRO HAC VICE. TO  
REPRESENT PLAINTIFF  
CHRISTOPHER GAHR

**AFFIDAVIT OF MOISES A. AVILES.**

STATE OF CALIFORNIA

)

)

ss

COUNTY OF SAN BERNARDINO

)

MOISES A. AVILES, after being duly sworn on oath, deposes and states  
that:

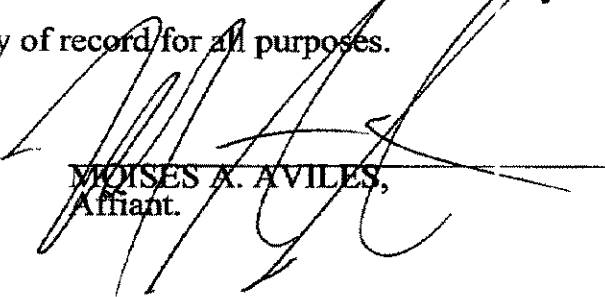
1. I reside in San Bernardino, California, 92401.
2. I am a member of the law firm of Aviles & Associates with office in San Bernardino, California. My address is 560 N. Arrowhead Av., Ste 2A San Bernardino, California, 92401; TEL.: (909)383-2333, Fax: (909) 383-9550
3. I am admitted to practice before the Bars of the following Courts, and have been so admitted as of the dates listed herein:
  - a. State Bar of California (permitting me to practice in all State Courts in California), 2003.
  - b. United States District Court for the Central District of California, 2003.

Affidavit of Moises A. Aviles - Bruno v. Chernoff- 1

AVILES & ASSOCIATES  
560 N. Arrowhead Av., #2A  
San Bernardino, CA., 92401  
TEL.: (909)383-2333  
FAX: (909)383-9550  
maviles1231@aol.com

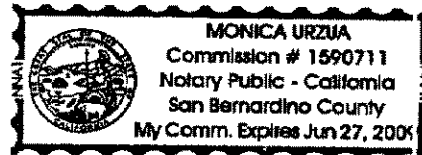
- c. United States Court of Appeals for the Ninth Circuit, 2004.
4. I am currently in good standing and eligible to practice in these Courts.
  5. I am not currently suspended or disbarred in any other Court.
  6. I have neither currently nor in the year preceding this Motion made an application to appear *pro hac vice* in this Court.
  7. I do not reside in the State of Hawai'i, and am not regularly engaged in business, professional, or law related activities in the State of Hawai'i.
  8. G. Todd Withy, a member of the firm, Law Offices of G. Todd Withy, whose address is 888 Mililani St., #700, Honolulu, HI., 96813; TEL.: (808)521-2500, an active member in good standing of the Bar of the State of Hawai'i, and licensed to practice before all Courts in the State of Hawai'i, will continue to serve as counsel with whom this Court and opposing counsel may readily communicate regarding the conduct of this case, and upon whom papers may be served.
  9. I request a three month continuance of the Trial Date set for March because of the three Trials that have been pre-set since last years as follows: In Re Botello Trucking Inc., (March 6, 2007 – One Day Bench Trial); Guzman vs. Llamas (March 9, 2007 through March 16, 2007 – 6 Day Jury Trial); Sorto vs. Valencia ( March 19, 2007 through March 28, 2007 – 8 Day Jury Trial)
  10. Further, I respectfully request that the current Pre-Trial Order which Mr. Gahr alleges he never received a copy of be amended to reset all days in set order or alternative to vacate said pre-trial order and reschedule another meaningful Pre-Trial Conference in which if I am admitted *pro hac vi ce* I can have adequate time to meaningfully participate in said conference which is such an integral part of preparing the case for trial of which Plaintiff did not meaningfully participated due to his *pro se* status..


11. The government will in not be prejudiced by said continuance in that the government has all the resources to re-scheduled its witnesses for trial; Plaintiff would be greatly prejudiced by said continuance in that if he is not allowed the requested continuance Plaintiff's counsel, if admitted pro hac vice, will not have adequate time to familiarize himself with the case so as to competently prepare for trial and competently represent Plaintiff.
12. I affirm that local counsel shall continue at all times to participate meaningfully in the preparation and trial of this Case with authority and responsibility to act as attorney of record for all purposes.

  
MOISES A. AVILES,  
Affiant.

Subscribed and sworn to before me

This 26th day of January 2007.



  
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Notary Public